

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

SOUTH CAROLINA STATE CONFERENCE OF
THE NAACP; MARVIN NEAL; ROBYNNE
CAMPBELL; DE'ONTAY WINCHESTER,

Plaintiffs,

v.

ALAN WILSON, in his official capacity
as Attorney General of South Carolina,

Defendant.

Case No. 2:23-cv-01121-DCN

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Plaintiffs respectfully move for a preliminary injunction against Defendant Alan Wilson, in his official capacity as Attorney General of South Carolina, prohibiting him—as well as his agents, officers, and employees—from enforcing S.C. Code Ann. § 40-5-310 against the individual Plaintiffs or against the South Carolina State Conference of the NAACP, its officers, members, or volunteers for providing free, accurate, and limited legal guidance about requesting a hearing and raising some available defenses to low-income tenants facing eviction as part of the Housing Advocate Program. As set forth in the Memorandum in Support of Plaintiffs' Motion for a Preliminary Injunction, Plaintiffs have established that they are likely to succeed on the merits of their First Amendment claims, that they will suffer irreparable harm absent an injunction, that the balance of equities tips strongly in their favor, and that a preliminary injunction in this case would advance the

public interest. In light of the federal constitutional interests at stake and the remote risk that Defendant will suffer any harm from this preliminary injunction, Plaintiffs further request that no bond be required. *See Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 421 n.3 (4th Cir. 1999). For these reasons and the reasons detailed in the accompanying Memorandum in Support of Plaintiffs' Motion for a Preliminary Injunction, Plaintiffs respectfully request that the Court grant their Motion. This motion is based on the memorandum and declarations in support filed contemporaneously, and all evidence and argument that the Court may entertain at the time of the hearing on the Motion.

At the time of this motion, no attorney has entered an appearance for Defendant, so Counsel for Plaintiffs provided notice to Defendant's office by email. *See* Local Civ. Rule 7.02 (D.S.C.).

Respectfully submitted,

WYCHE, P.A.

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**Application for admission pro hac vice
forthcoming*

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